## IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS WICHITA FALLS DIVISION

DWAYNE HOWARD,	§	
TDCJ No. 02112310,	§	
Petitioner,	<b>§</b> <b>§</b> <b>§</b>	
V.	§	Civil Action No. 7:20-cv-00131-O-BP
	§	
BRYAN COLLIER, Executive Director,	§	
Texas Department of Criminal Justice,	§	
Correctional Institutions Division,	§	
	§	
Respondent.	§	

## **NOTICE OF DEFICIENCY AND ORDER**

Before the Court is Petitioner's Petition for Writ of Habeas Corpus filed October 21, 2020. ECF No. 1. This case was referred to the undersigned automatically pursuant to Special Order No. 3 on that same day. ECF No. 2.

Upon a complete review of the Petition, the Court finds that Petitioner's first name has been listed incorrectly. In the Petition, Petitioner lists his name as Dywane Howard. ECF No. 1 at 1. Furthermore, on the Texas Department of Criminal Justice website, Petitioner's name is also listed as Dywane Howard. *See* Offender Information Details, TDCJ, https://offender.tdcj.texas.gov/OffenderSearch/offenderDetail.action?sid=04545201 (last visited October 22, 2020).

Additionally, upon review of the papers and pleadings, it appears that Petitioner has failed to either pay the \$5.00 filing fee or submit a motion for leave to proceed *in forma pauperis*. A motion for leave to proceed *in forma pauperis* must include a statement, certified by an authorized officer of the institution in which Petitioner is confined, showing Petitioner's current trust account balance.

It is therefore **ORDERED** that, by **November 23, 2020**, Petitioner shall either pay the \$5.00 filing fee or file a motion for leave to proceed *in forma pauperis* with a completed certified trust account statement. Failure to comply with this Order may result in dismissal of the petition without further notice.

Additionally, the Clerk of Court is directed to change the style of this case from "Dwayne Howard v. Director, TDCJ-CID" to "Dywane Howard v. Director, TDCJ-CID."

It is so **ORDERED** on October 22, 2020.

Hal R. Ray, Jr.

UNITED STATES MAGISTRATE JUDGE